

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: TFT-LCD (FLAT PANEL) ANTITRUST
LITIGATION

No. M 07-1827 SI
MDL. No. 1827

Case No. C 12-6085

This Order Relates to:

*Hewlett-Packard Company v. Chunghwa Picture
Tubes, Ltd. and Tatung Company of America,
Inc.*, C 12-6085

**ORDER GRANTING PLAINTIFF
HEWLETT-PACKARD'S MOTION FOR
ORDER AUTHORIZING PLAINTIFF TO
SERVE DEFENDANT CHUNGHWA
PICTURE TUBES, LTD. THROUGH ITS
U.S. COUNSEL PURSUANT TO FED. R.
CIV. P. 4(f)(3)**

Currently before the Court is a motion by Hewlett-Packard Company ("HP") for an Order Authorizing Plaintiff to serve Defendant Chunghwa Picture Tubes, Ltd. ("Chunghwa") Through its U.S. Counsel Pursuant to Fed. R. Civ. P.

HP and Chunghwa have stipulated to submit the motion without oral argument. *See* Docket No. 7532. Having considered the moving papers and the arguments of the parties, and for good cause appearing, the Court hereby GRANTS the motion. Docket No. 7401.

Plaintiff seeks to serve Chunghwa, a Taiwanese company,¹ through its U.S counsel pursuant to Fed. R. Civ. P. 4(f)(3), which "permits service in a place not within any judicial district of the United States, "by . . . means not prohibited by international agreement as may be directed by the court." Fed. R. Civ. P. 4(f)(3).² Chunghwa recognizes this Court's inclination to permit service through its U.S. counsel, but opposes plaintiff's motion.


¹Plaintiff cannot serve Chunghwa through the Hague Convention on Service Abroad of Judicial and Extrajudicial Documents ("Hague Convention") because Taiwan is not a signatory to the Hague Convention.

²Federal Rule of Civil Procedure 4(h)(2) authorizes service of process on a foreign business entity in a manner proscribed by Rule 4(f) for individuals.

1 The Court has previously heard and granted a number of similar motions in this MDL. *See, e.g.,*
2 Order Granting Plaintiff's Motion for Order Authorizing Plaintiff to Serve Defendants Chunghwa
3 Picture Tubes, Ltd. and Tatung Co. Through Their U.S. Counsel., Docket Nos. 3217 and 3079; *see also*
4 Docket Nos. 1309, 1657, 1779, 2109, 2532, 2584, 2747, 2748, and 2825. The Court finds no reason to
5 depart from its previous rulings. Accordingly, for the reasons set forth in its prior orders, the Court finds
6 that service under Rule 4(f)(3) is both available to plaintiff and appropriate in this case, and the Court
7 GRANTS plaintiff's motion. Docket No. 7401.

8
9 **IT IS SO ORDERED.**

10
11 Dated: February 7, 2013



SUSAN ILLSTON
United States District Judge